

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MASSTECH COMMUNICATIONS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 04-CV-10604 NG
ROBERT CURRAN, KEVIN CURRAN, and	)	
THE MARKETPLACE GROUP, INC.,	)	
	)	
Defendants.	)	
	)	

**DECLARATION OF MARK PILLSBURY**

I, Mark Pillsbury, hereby depose and state:

1. I am employed by the plaintiff, MassTech Communications, Inc. ("MTC"), as the Publisher. I make this declaration on personal knowledge.

2. Members of my staff and I have reviewed information offered for sale at the defendants' website, [www.dsdirect.com](http://www.dsdirect.com), through a publicly accessible Internet link.

3. My staff and I compared company descriptions available from defendants' database with descriptions of the same companies in MTC's database. We also registered as a guest to a database offered by CorpTech, Inc., at [www.corptech.com](http://www.corptech.com), which is one of the other databases from which defendants claim to have purchased information.

4. In a large number of cases, defendants' company description is word-for-word identical to the description in the MTC database, even including misspellings. For example, MTC's database entry on 1Com, Inc. reads as follows (emphasis added):

1 Com offers a whole new way to put together a communications strategy. 1 Com provides everything you need for great **communciations [sic]**, all on one bill, at competitive low rates. 1 Com can provide a communications program that provides the **best value** in: local and long distance services, internal telephone systems, AT & T and Neptel Cellular, voice mail systems, and paging services.

The entry for 1Com, Inc. in defendants' database is identical, including the misspelling.

5. Dozens more entries that were compared in the two databases contain word-for-word identical descriptions. MTC has prepared a spreadsheet comparing the first approximately 75 entries in its database with the same company listings in the dsdirect.com database. The comparison is not easily printed or rendered to PDF format for electronic filing with the Court, but MTC is willing to submit this spreadsheet in electronic form if the Court wishes to review it. It demonstrates the substantial copying of data from MTC's database to the dsdirect.com database.

6. In addition, some of the listings in the dsdirect.com database include an identical copy of MTC's company description as well as CorpTech's. For example, the entry for 3<sup>rd</sup> Millenium, Inc. in the MTC database reads as follows:

3RD Millennium, Inc. is a leading bioinformatics consultancy. We consult with pharmaceutical, biotech, and academic clients on their bioinformatics needs and work on project basis to design and develop software systems critical to their research and discovery efforts. 3rd Millennium's expertise covers the broad range of bioinformatics systems used by researchers including biological database applications, microarray informatics and analytic, and data analysis integration. The company has extensive experience developing systems for laboratory information management (LIMS), microarray based gene expression profiling, biosequence analysis and gene annotations, genomic and proteomic data integration and versioning, and biological pathway modeling.

The entry in CorpTech's database for the same company reads as follows:

Provider of design and development services for informatics systems used in biopharmaceutical research and development. Products and services are sold to the pharmaceutical and biotechnology industries.

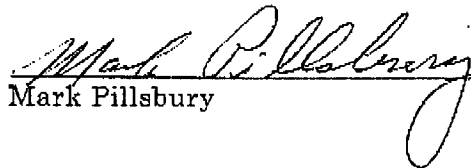
The entry in the dsdirect.com database includes all of MTC's text, followed immediately by all of CorpTech's text.

7. As the 3<sup>rd</sup> Millenium entries quoted above demonstrates, the company description is generally not identical between MTC's database and CorpTech's. In the 75 or so listings that I reviewed, CorpTech's description was uniformly shorter and less detailed than MTC's. MTC believes that its longer company descriptions provide

useful information to our customers, and give MTC a competitive advantage in marketing its database product.

8. Attached hereto as Exhibit A is a list of the companies added to MTC's database between January 5, 2004 and March 29, 2004 as a result of our detailed mail-, email- and telephone-based surveys of the companies. The list is annotated with a handwritten "y" next to the company listings that also appear in the dsdirect.com database. As the list shows, all but one of the companies added through February 24, 2004 to the MTC database also appear in the dsdirect.com database. After February 24, companies were next added on March 22, 2004, one week after Curran's employment was terminated on March 15, 2004. None of those companies is included in defendants' database.

9. MTC has also searched the CorpTech database for the companies listed with a "y" -- indicating that they appear in both MTC's database and the database being sold by defendants. A number of those companies, including Wizardtronics, Entrelogic Corp., Terrasonics LLC, Altronics Mfg., Virage Logic Corp., Mogul Technologies, Chitika Inc., Ipso Inc., Polyneer Inc., Lextel Inc., and SiteAvail Inc., are not included in the CorpTech database, raising my suspicion that defendants obtained those entries from MTC.

  
Mark Pillsbury

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✓ 1/5/04 TERRASONICS LLC	Westford	MA
✓ 1/5/04 SKY COMPUTERS INC	Chelmsford	MA
✓ 1/5/04 ALTRONICS MANUFACTURING INC	Hudson	NH
✓ 1/7/04 VIRAGE LOGIC CORPORATION	Natick	MA
✓ 1/7/04 MOGUL TECHNOLOGIES INC	Brookfield	NH
✓ 1/7/04 PLASMA DYNAMICS LLC	Wilmington	MA
✓ 1/16/04 MINTERA CORP	Lowell	MA
✓ 1/20/04 CHITIKA INC	Shrewsbury	MA
✓ 1/20/04 TRADESTONE SOFTWARE INC	Gloucester	MA
✓ 1/20/04 HABART TRAINING SOLUTIONS	Waltham	MA
✓ 1/21/04 RETAIL TECHNOLOGY SERVICES	Lexington	MA
✓ 1/21/04 TRAINING ASSOCIATES, THE	Shrewsbury	MA
✓ 1/22/04 OAK WEB WORKS	Medford	MA
✓ 1/22/04 FINISH LINE PRODUCT DEVELOPMENT SERVICES	Hudson	NH
✓ 1/22/04 SECURE NETWORK OPERATIONS INC	Boxborough	MA
✓ 1/22/04 BEARSFEAT CONSULTING SERVICES	Petersham	MA
✓ 1/22/04 IPSO INC	Wayland	MA
✓ 1/22/04 TECNEOCOMP	New Bedford	MA
✓ 1/22/04 EVAULT INC	Hampstead	NH
✓ 1/23/04 XENCRAFT	Lexington	MA
✓ 1/23/04 HTM BUSINESS ENDURANCE SOLUTIONS™	Milford	MA
✓ 1/26/04 CORE SOLUTIONS	Newton	MA
✓ 1/26/04 POLYNEER INC	New Bedford	MA
✓ 1/28/04 SMARTWEBS INC	Boston	MA
✓ 1/29/04 MILFORD MANUFACTURING SERVICES	Milford	MA
✓ 1/29/04 IMAGE THERM ENGINEERING INC	Sudbury	MA
✓ 1/30/04 SEI SOLUTIONS INC	Waltham	MA
✓ 1/30/04 LEXTEL INC	Wakefield	MA
✓ 2/2/04 BEADWINDOW! CORPORATION	Manchester	NH
✓ 2/4/04 BIYN DEVELOPMENT	Hanover	MA
✓ 2/4/04 STR-REGISTRAR LLC	Somerville	CT
✓ 2/13/04 SITEAVAIL INC	Natick	MA
✓ 2/13/04 DRYBRIDGE CONSULTING	Medway	MA
✓ 2/23/04 BLOCK MEMS LLC	Marlborough	MA
✓ 2/23/04 STAR SOFTWARE CORP	Cambridge	MA
✓ 2/23/04 SOLARIS OUTSOURCING INC	Burlington	MA
✓ 2/24/04 ENTRELOGIC CORP	Marlborough	MA
✓ 2/24/04 WIZARDTRONICS LTD	Amesbury	MA
3/22/04 CONCORDANT	N Chelmsford	MA
3/22/04 EXPERION SYSTEMS INC	Maynard	MA
3/22/04 KAIDALE CONSULTING	Chelmsford	MA
3/26/04 NEW ENGLAND COMPUTER SOLUTIONS INC	Wakefield	MA
3/29/04 HIGHRIDGE TECHNOLOGIES	Marblehead	MA